

REMARKS

In the Office Action¹, the Examiner took the following actions:

required confirmation of an oral election of claims 1-16;

rejected claims 1-7, 9-12, and 14-16 under 35 U.S.C.
§ 102(e) as being unpatentable over U.S. Publication No.
20030054573 to Thanaka et al. ("Thanaka");

rejected claim 8 under § 103(a) as being unpatentable under
35 U.S.C. § 103(a) over Thanaka in view of U.S. Patent No.
6,526,164 to Mansfield et al. ("Mansfield"); and

objected to claim 13 as being dependent upon a rejected
base claim, but allowable if rewritten in independent form.

Claims 17-20 stand withdrawn²; claim 13 is canceled without prejudice or
disclaimer; and claims 1, 5, 10-12, and 14-16 are amended. Claims 1-12 and 14-16
remain under examination.

Applicants confirm the election of claims 1-16 in a telephone call between the
Examiner and Applicants' representative on October 23, 2007. Applicants thank the
Examiner for the courtesy and consideration extended during the telephone call to
Applicants' representative. Applicants also thank the Examiner for the indication of
allowable subject matter, but nevertheless respectfully traverse the above listed
rejections and objections as discussed further below.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

² Although the Examiner indicates that only claims 17 and 18 are withdrawn from consideration at page 3 of the Office Action and in the Office Action Summary, Applicants understand claims 17-20 are withdrawn from consideration, consistent with the Examiner's comments at page 2 of the Office Action. If Applicants' understanding is incorrect, Applicants respectfully request clarification from the Examiner.

Applicants have amended claim 1 to incorporate the elements recited in claim 13, indicated by the Examiner as being drawn to allowable subject matter. Claim 13 is canceled, consistent with Applicants' amendments. Claims 5, 10-12, and 14-16 are amended to improve the readability of the claims and to correct minor typographical and grammatical errors.

Applicants respectfully traverse the rejection of claims 1-7, 9-12 and 14-16 under 35 U.S.C. § 102(e) in view of Thanaka and the rejection of claim 8 under § 103(a) as being unpatentable under 35 U.S.C. § 103(a) over Thanaka in view Mansfield. Applicants continue to disagree with the Examiner's conclusions. Nevertheless, solely to advance prosecution, Applicants have amended claim 1 to recite "calculating the first numerical value includes at least one of . . . ," as previously recited in claim 13.

The Examiner acknowledges that the subject matter of claim 13 is drawn to allowable subject matter at page 9 of the Office Action. That is, neither Thanaka and Mansfield, either alone or in combination, teach or suggest the claimed "calculating the first numerical value includes at least one of . . . ," as recited in claim 1 and required by claims 2-12 and 14-16.


Claim 1, thus, is not anticipated by nor rendered obvious by the applied references. Accordingly, claim 1 should be allowable. Claims 2-12 and 14-16 depend from claim 1 and should be allowable at least due to their dependence. Accordingly, Applicants respectfully submit that claims 1-12 and 14-16 are in condition for allowance and respectfully request that the Examiner's reconsider and timely allowance of the pending claims.

Please grant any extension of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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By: 
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